

Categorical Exclusion for Tijuana Wastewater Collection System Rehabilitation and Improvement Project

Proposed Action

The proposed action is for the rehabilitation and replacement of deteriorated or obstructed sewer pipes in the wastewater collection system that services the city of Tijuana, Baja California, Mexico.

Approximately 131,000 meters of pipe will be repaired, representing 7.5% of the total length of the sewer system. The majority of the work will consist of slip lining of existing pipes. Approximately 20% of the project will involve excavation and replacement of pipe segments. These improvements will help reduce sewage overflows and spills to the Tijuana River from leaking or obstructed sewer pipes.

Justification for Categorical Exclusion

The proposed action is consistent with the category of Categorical Exclusion specified in 40 CFR Part 6.107 (d) (1) as it is directed toward minor rehabilitation of an existing collection system. It will not affect the degree of treatment or the capacity of the existing facilities. EPA has determined that the project will not have any significant impacts on the quality of the human environment.

In determining a CATEX, EPA examined various federal cross-cutting laws and Executive Orders (EO) in accordance with 40 CFR 6.300. The laws, and analysis of the impacts of the proposed action, are described below.

Pertinent Cross-Cutting Laws and Executive Orders

National Natural Landmarks - The Secretary of the Interior is authorized to designate areas as National Natural Landmarks for listing on the National Registry of Natural Landmarks pursuant to the Historic Act of 1935, 16 U.S. Code (USC) 461 *et seq.* As this project is in Mexico, no natural U.S. landmarks are within the project area nor will be impacted by the proposed action.

Cultural Resources Data - The *Archeological and Historic Preservation Act* (AHPA) of 1974, 16 USC 469 *et seq.*, provides for the preservation of cultural resources if an EPA activity may cause irreparable loss or destruction of significant scientific, prehistoric, or archeological data. The project area is within the dense urban setting of Tijuana, Mexico. The majority of the proposed action will be completed through slip lining of existing pipes, with no impact to cultural resources anticipated. Twenty percent of the proposed action includes excavation and replacement, but of existing pipe segments. This excavation and replacement of existing pipe is not anticipated to have any adverse impact to cultural resources.

Cultural Resources - The *National Historic Preservation Act* (NHPA), as amended, 16 U.S.C. 470, directs federal agencies to integrate historic preservation into all activities which either directly or indirectly involve land use decisions. The NHPA is administered by the National Park Service (NPS), the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Offices (SHPOs), and each federal agency. Implementing regulations include 36 CFR Part 800: *Regulations of the Advisory Council on Historic Preservation Governing the NHPA Section 106 Review Process*. Section 106 of the NHPA requires federal agencies to take into consideration the impact that an action may have on historic properties which are included on, or are eligible for inclusion on, the National Register of Historic Places. The proposed action is in Mexico, therefore, no U.S. properties currently listed or eligible for listing on the National Register of Historic Places will be impacted by this project.

Wetlands Protection - EO 11990, "Protection of Wetlands" of 1977, requires federal agencies conducting certain activities to avoid, to the extent possible, adverse impacts associated with the destruction or loss of wetlands and to avoid support of new construction in wetlands, if a practicable alternative exists. Discharge of dredge or fill material into wetlands and other waters of the U.S. are also regulated under Section 404 of the *Clean Water Act*. No wetlands in the U.S. will be filled or otherwise adversely impacted by the proposed action.

Floodplain Management - EO 11988, "Floodplain Management" of 1977, requires federal agencies to evaluate the potential effects of actions they may take in a floodplain to avoid, to the extent possible, any adverse effects associated with the direct and indirect development of a floodplain. None of the aspects of the proposed action occurs within a U.S. floodplain.

Important Farmlands - EPA Policy to Protect Environmentally Significant Agricultural Lands requires EPA to consider the protection of the nations' significant/important agricultural lands from irreversible conversion to uses that result in their loss as an environmental or essential food production resource. Moreover, the *Farmland Protection Policy Act* (FPPA), 7 USC 4201 *et seq.*, and the U.S. Department of Agriculture's (USDA) implementing procedures require federal agencies to evaluate the adverse effects of their actions on prime and unique farmland, including farmland of statewide and local importance. The project does not involve conversion of, or otherwise affect, prime, unique, or important U.S. farmland (NRCS 1999).

Coastal Zone Management Act - The *Coastal Zone Management Act* (CZMA), 16 USC 1451 *et seq.*, requires that federal agencies in coastal areas be consistent with approved State Coastal Zone Management Programs, to the maximum extent possible. If an EPA action may affect a coastal zone area, the responsible official is required to assess the impact of the action on the coastal zone. The proposed action will not affect a coastal zone area.

Coastal Barrier Resources Act - The *Coastal Barrier Resources Act* (CBRA), 16 USC 3501 *et seq.*, generally prohibits new federal expenditures and financial assistance for development within the Coastal Barrier Resources System (CBRS) and therefore protects ecologically sensitive U.S. coastal barriers. The proposed action does not affect any coastal barriers.

Wild and Scenic Rivers - The *Wild and Scenic Rivers Act* (WSRA), 16 USC 271 *et seq.*, establishes requirements applicable to water resource projects affecting wild, scenic, or recreational rivers within the National Wild and Scenic Rivers System, as well as rivers designated on the National Rivers Inventory. The Tijuana River is not listed as a national wild or scenic river.

Fish and Wildlife Protection - The *Fish and Wildlife Coordination Act* (FWCA), 16 USC 661 *et seq.*, requires federal agencies involved in actions that will result in the control or structural modification of any natural stream or body of water for any purpose, to take action to protect the fish and wildlife resources that may be affected by the action. No U.S. streams or water bodies will be structurally modified or controlled by the proposed action.

Endangered Species Protection - The *Endangered Species Act* (ESA), 16 USC 1536 *et seq.*, prohibits agencies from jeopardizing threatened or endangered species or adversely modifying habitats essential to their survival. The project area is within the dense urban city center of Tijuana, Baja California, Mexico. No adverse impacts are anticipated as a result of the proposed action on the endangered or threatened

species or critical habitats located in the Tijuana River National Estuarine Research Reserve in southern California, to the north of the project area in the U.S.

Wilderness Protection - The *Wilderness Act* (WA), 16 USC 1131 *et seq.*, establishes a system of National Wilderness Areas. The WA establishes a policy for protecting this system by generally prohibiting motorized equipment, structures, installations, roads, commercial enterprises, aircraft landings, and mechanical transport. The project area is within the dense urban city of Tijuana, Baja California, Mexico. No wilderness areas occur within the project area.

Air Quality - The *Clean Air Act* (CAA) requires federal actions to conform to any state implementation plan approved or promulgated under Section 110 of the Act. For EPA actions, the applicable conformity requirements specified in 40 CFR Part 51, Subpart W; 40 CFR Part 93, Subpart B; and the applicable state implementation plan must be met. Under the Federal Rule on General Conformity, 40 CFR Part 93, a conformity determination is required only when emissions occur in a non-attainment area. Approximately 131,000 meters of pipe will be repaired through the proposed action. The majority of the work will consist of slip lining of existing pipes. Approximately, twenty percent of the project will involve excavation and replacement of existing pipe segments. Adverse air quality impacts are not anticipated as a result of this project and are anticipated to be minimal and temporary during project construction.

Environmental Justice - EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and the accompanying presidential memorandum, advise federal agencies to identify and address, whenever feasible, disproportionately high and adverse human health or environmental effects on minority communities and/or low-income communities. The city of Tijuana is in Mexico and, therefore, U.S. environmental justice laws and executive orders do not apply.

Cumulative Impacts

The proposed action --individually or in conjunction with past, present, or foreseeable future projects-- will not have a significant adverse effect on the quality of the human environment.

Public Support

One public meeting has already occurred. The Tijuana community expressed keen interest in seeing the proposed action be implemented. EPA does not foresee public controversy as a result of the proposed action.

Cost Effectiveness

Approximately 131,000 meters of pipe will be repaired, representing 7.5% of the total length of the sewer system in Tijuana, Baja California, Mexico. The majority of the work will consist of slip lining of existing pipes. Approximately 20% of the project will involve excavation and replacement of pipe segments. These actions were identified as the most cost effective and expedient for resolving human health and environmental concerns as a result of sewage overflows and spills to the Tijuana River from deteriorated or obstructed sewer pipes.